



Ecuador

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Ecuador is a constitutional republic with a 123-member unicameral legislature that was chosen in free elections in May 1998. In January 2000, following an attempted coup by protesters, indigenous dissidents, and members of the military, Vice President Gustavo Noboa assumed the presidency and restored order. The National Congress is composed of five major parties and seven smaller parties, spanning the spectrum from center-right to extreme left. The judiciary is constitutionally independent, but in practice is inefficient and susceptible to outside pressure.

While the civilian authorities generally maintain effective control of the security forces, the military enjoys substantial autonomy, which is reinforced by revenues generated from civil aviation, shipping, and other commercial sectors. The military's right to receive royalties from oil exports expired at the end of the year. The National Police are responsible for domestic law enforcement; maintenance of internal order falls under the civilian Ministry of Government and Police. In February President Noboa declared a 2-week national state of emergency due to protests by indigenous people; this gave him the authority to use troops to monitor and react to public protests. Throughout the year, the military continued to supplement the police on an ad hoc basis. Some police and members of the military continued to commit human rights abuses.

The country's population is estimated at 12,900,000. The economy is in the second year of recovery from a severe economic recession. The economy is based on private enterprise, although there continues to be significant government involvement in key sectors such as petroleum, utilities, and aviation. The principal exports are oil, bananas, shrimp, and cut flowers, which, together with emigrant remittances and tourism, are the country's leading sources of foreign income. Most citizens are employed in the urban informal sector or as rural agricultural workers; rural poverty is extensive and underemployment is high. There is severe maldistribution of income. According to a study conducted in July, approximately 71 percent of the citizens live in poverty and of those, 30 percent are indigent, with an almost total lack of resources. An estimated 91 percent of the poorest households go without some basic food staple, and more than half forego needed medical care. Most of the population has a low standard of living, as evidenced by a per capita gross domestic product (GDP) of \$1,353. Inflation for the year was approximately 22 percent.

The Government's human rights record was poor in a number of areas and serious problems remain. There were credible reports that police committed extrajudicial killings. Security forces killed several protesters during demonstrations. There was at least one report of a disappearance attributed to police. Police tortured and otherwise mistreated prisoners and detainees, frequently with impunity. Prison conditions remained poor. In September Congress increased the penalties for serious offenses in an attempt to curb rising crime. Persons often are subject to arbitrary arrest, and prolonged detention is a problem. Once incarcerated, persons without lawyers may wait years before being tried. More than one half of the detainees in jail have not been sentenced formally. The Government failed to prosecute and punish human rights abusers. The legal and judicial systems are politicized, inefficient, and sometimes corrupt. The Government began to implement a new criminal procedures code intended to strengthen the justice system. A degree of self-censorship in the media continued. The police used tear gas and other methods to quell protesters. The Government briefly declared a national state of emergency at the beginning of the year that limited freedom of assembly and movement. Violence and pervasive discrimination against women, indigenous people, and Afro-Ecuadorians remain problems. The Government entered into negotiations with indigenous groups following widespread protests in January and February. The Government continued to order public employees in nationwide strikes back to work. Child labor is a problem, and there were reports of trafficking in children. The media and human rights organizations became increasingly concerned about spillover effects, including increased crime and refugees, from the continuing violence in neighboring Colombia. Mob violence and vigilante killings persist.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings; however, there continued to be credible reports that police, security forces, and semiofficial entities such as neighborhood brigades committed extrajudicial killings. (Neighborhood brigades or "juntas" are civic defense groups organized by the National Police to provide an anticrime presence in neighborhoods. Their members are not authorized to carry firearms, but often do.) Through September the Ecumenical Committee for Human Rights (CEDHU) reported 25 extrajudicial killings. In some instances, there was insufficient evidence to reach a conclusion as to what occurred; however, the killings sometimes exhibited a suspicious pattern, especially with respect to a number of unidentified bodies found along the highway around the perimeter of Guayaquil.

Between January 29 and February 7, as many as nine persons died in clashes around the country between indigenous-led protesters and security forces (see Sections 1.c., 2.b., and 5). On February 5, in Tena, troops from the army's Pastaza Brigade fired at approximately 3,000 demonstrators crossing the Napo River bridge on their way to take over the airport. Carlos Cabrera and Juan Arias died of bullet wounds and a number of others were injured. The protesters maintained that they were fired upon without provocation. The soldiers claimed that the protesters attacked them with guns and dynamite. The protesters largely destroyed Tena air base.

On February 27, in Guayaquil, Police Sub-Lieutenant Rivera and his partner Officer Yepez picked up Joffre Aroca for vagrancy during a routine "Plan Mas Seguridad" patrol. (Plan Mas Seguridad is an anticrime initiative begun by Guayaquil Mayor Jaime Nebot in 2000.) Rivera took Aroca behind Monumental Stadium, where a witness heard a shot fired; Yepez remained in the vehicle. Rivera reported that the prisoner had escaped and that he had fired a warning shot but Aroca's body was found the next day with a bullet in his back. Aroca's parents lodged a complaint and police were investigating at year's end. Both policemen were charged; however, they remained on duty at year's end.

On July 26, two infants in incubators at the Isidro Ayora maternity clinic in Quito allegedly died from tear gas inhalation following a nearby confrontation between security forces and striking health workers; however, the cause of death (natural or as a result of the tear gas) was not determined conclusively (see Sections 1.c., 2.b., and 6.a.).

On August 22, 22-year-old lieutenant Julio Robles died during a military hazing event known as a "baptism," which took place at the B1-21 Infantry Battalion in Macara. Robles' death appeared to have been caused by a combination of excessive alcohol consumption and a broken neck. His body showed signs of other physical abuse. The Defense Minister met with Robles' family and promised a full investigation. Three army officers and enlisted men subsequently were convicted and sentenced for their role in this killing, while five others originally implicated have returned to duty.

At least 26 mostly-unidentified bodies were discovered separately along the highway around Guayaquil during the year. Some human rights groups allege that the Mayor's anticrime Plan Mas Seguridad and the Intervention and Rescue Group (GIR) police or the semi-autonomous Guayas Transit Commission police (CTG) are involved in these killings; others assert that criminals were responsible. No public investigation was undertaken in these cases or in the cases of the bodies found along the highway in 2000.

On March 19, a police court convicted and sentenced to 2 years' imprisonment an officer involved in the 1999 shooting death of Mickey Mendoza. Previously the police court had convicted the officer of intentional homicide, but the conviction later was reduced, without explanation, to unintentional homicide.

The investigation continued into the 1999 killings of Jaime Hurtado Gonzalez, a member of Congress from the far-left Popular Democratic Movement party; Pedro Tapia (Hurtado's alternate in the Congress); and Wellington Borja near the Supreme Court in Quito. No charges were pending at year's end.

There was no disposition of the 1998 case of the kidnaping and killing in Quito of Saul Filormo Canar Pauta, a leader of the Ecuadorian Confederation of United Working Class Organizations. The investigation remains active but progress appears unlikely. The authorities suspect that he may have been killed by private landowners in retaliation for his activities in organizing land invasions by squatters.

On June 4, in Carchi Province, a group of approximately 20 uniformed and armed men attacked an armored

car. One of the assailants was captured, one was killed, and one soldier was injured. Unconfirmed reports indicated that the assailants were Colombian guerrillas.

On July 4, a predawn assault by unidentified gunmen against a police station in Lago Agrio ("Nueva Loja") left two police officers dead. Media reports speculated that the assailants were Colombian guerrillas retaliating against the earlier arrest of one of their leaders. Government officials reported 54 homicides in the town of Lago Agrio between January and September. Most killings were execution style and were blamed on conflicts between rival Colombian groups who had entered the country.

There also were cases of mob violence that resulted in lynchings and burnings of suspected criminals (see Section I.e.). In June an indigenous group calling itself the "Justicieros" began to "arrest and judge" criminal suspects. Mobs or vigilante groups killed 24 crime suspects in the first 9 months of the year; individual lynchings continued to occur in all parts of the country, especially in indigenous communities in remote areas of the highlands. For example, on March 27, in the village of Laguatan, members of the local "Juntas del Campesinado" broke into the home of Patterson Manzano and accused him of the murder of junta member Eudoro Camacho. The group then beat Patterson Manzano, Robinson Manzano, and Wilma Barragan to death and burned the house. Police in nearby Guaranda pressed charges against junta suspects, but the case appeared to be stalled at year's end.

b. Disappearance

There were no reports of politically motivated disappearances; however, there were at least two disappearances attributed to the police.

On November 6, 2000, police detained Elias Elint Lopez Pita at a police checkpoint in Ambato as he was traveling in a bus to Esmeraldas Province. According to the bus driver, three policemen stopped the bus, asked for the passenger list, selected Lopez, and took him away. According to Amnesty International, witnesses reported that Lopez was taken to the main police station in Ambato, where he was last seen blindfolded and handcuffed, showing signs of having been beaten. When Mr. Lopez's wife entered the police station, the officers reportedly denied detaining her husband. She then went to the Provisional Detention Center, where Luis Alberto Shinin Lazo told her that he had been held in detention with Elias Lopez. On November 7, 2000, the prosecutor investigating the "disappearance" of Elias Lopez heard the testimony of Shinin Lazo, who was then in police custody. After Shinin Lazo was released on November 14, 2000, he reportedly was abducted by unidentified gunmen and taken to the outskirts of Ambato, where he was shot and thrown over a cliff. After he was rescued by nearby persons, he was admitted to the hospital in Guaranda, where he said that police from Ambato had inflicted his injuries in retaliation for his testimony. On November 20, 2000, six armed men kidnaped Shinin Lazo from the hospital. He was not seen or heard from thereafter. The investigation in the case was completed, and at year's end seven police officers were in prison awaiting trial.

Criminal kidnaping for profit continued to be a problem. By mid-year, the police antikidnaping unit, UNASE, reported that kidnapings and attempted kidnapings had increased 200 percent compared with the previous year. For example, in October 2000, unidentified, armed individuals kidnaped a group of foreign oil workers near Pompeya in Orellana province. In late January, the kidnapers killed one hostage. On March 1, the remaining seven oil workers were released after a multimillion-dollar ransom was paid. In June police in Colombia arrested more than 50 suspects connected with the case.

On June 16, a well-known cattle rancher, Juan Villarreal, and his son Edwin were kidnaped on the outskirts of Tulcan and released after a ransom was paid. It was the second time in 3 years that Villarreal was kidnaped. Two days later, another kidnaping was reported in nearby Mira County, but the family and police refused to provide details. There are numerous reports of extortions and threats of kidnaping (known as "vacuna") of ranchers, farmers, and businessmen throughout Carchi province. Many victims attribute the incidents to Colombian armed groups.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and similar forms of intimidation and punishment; however, the police continued to torture and abuse suspects and prisoners, usually with impunity.

The CEDHU published detailed reports on suspects who reported being tortured by specific police officers. By August it had registered 9 cases of torture, involving 10 victims, and 62 complaints of "physical aggression" toward 808 persons by police or security forces. In most cases, the police appeared to have abused such persons during investigations of ordinary street crime. The victims reported that the police beat them, burned

them with cigarettes, applied electric shocks, or threatened them psychologically. In 2000 the authorities registered 33 complaints of some form of torture by security forces, and human rights nongovernmental organizations (NGO's) received at least 135 reports of incidents involving physical mistreatment.

For example, on February 13, members of the National Police and the Air Force Combat Command in Guayaquil accused warehouse clerk Jose Ramires of theft. He was held incommunicado for 4 days, during which time he suffered beatings and electric shocks. He later was released. There was no investigation and no charges were brought against either Ramires or the officers who committed the abuse.

Security forces also used excessive force during demonstrations (see Sections 1.a. and 2.b.). In late January and early February, there were significant and widespread indigenous protests (see Section 5). Police used tear gas and other methods to quell protesters. On January 30, more than 24 protesters were injured in a confrontation with police in Quito; on January 24, soldiers clearing a roadblock on the Pan American Highway fired shots that wounded at least two protesters (see Section 2.b.). Between January 29 and February 7, as many as nine persons died in clashes between indigenous-led protesters and security forces (see Section 1.a.). On July 26, in Quito, police blocked some 3,000 public health strikers who were attempting to make their way to the Presidential Palace. In the ensuing disturbance, Special Operations Group troops fired tear gas canisters that wounded four medical workers. At nearby Isidro Ayora maternity clinic, 36 babies were affected by the tear gas; two of the infants allegedly died as a result (see Section 1.a.).

Police corruption is also a problem throughout the country. In June Guayas Police Commander Colonel Marco Cuvero stated that 83 police officers had been fired over the previous 9 months for infractions related to human rights violations or corruption. In December prosecutors alleged that former Guayas Police Chief and Intelligence Director General Abraham Correa had close ties to drug trafficker Carlos Hong.

There were no reported developments in the cases of police officer Freddy Veloz and off-duty corporal Miguel Noriega who in 2000 had been accused, respectively, of rape and of shooting and wounding another person.

Conditions in prisons and detention centers generally are poor. Prisons in the tropical coastal areas tend to be worse than those in the temperate highlands. In 1999 the National Directorate for Social Rehabilitation (DNRS) published a report that indicated that there were a total of 8,520 inmates incarcerated in facilities originally designed to hold 5,964 prisoners. For example, the Tomas Larrea prison in Portoviejo was built in 1930 to hold 150 inmates, but in 2000 its population exceeded 300. It has never been repaired or expanded and has many tunnels, which contributed to some of the 30 successful escapes since 1970. Overcrowding also is a chronic problem elsewhere. The 1999 DNRS report stated that traumatic injuries, reportedly inflicted by fellow inmates, caused 65 percent of those deaths. It attributed the others to illness and drug use. The prison authorities routinely investigate deaths in custody. During the year, a number of prisons experienced serious outbreaks of disease, including meningitis. In September Congress increased the penalties for serious offenses in an attempt to curb rising crime. For example, the maximum penalty for rape in which death occurred was increased to 35 years. Prison officials fear the measures may exacerbate overcrowding. Pretrial detainees are not held separately from convicted prisoners. There are no separate facilities for repeat offenders or dangerous criminals, nor are there effective rehabilitation programs. New prisons have not been constructed due to the lack of financial resources. However, during the year, the amount allocated for prison rations increased from 40 cents to 70 cents per inmate per day. In 1998 a total of 26 inmates died in prison.

The Constitution requires that prisoners charged with lesser offenses (those carrying a maximum sentence of 5 years or less) and who have been detained for more than 1 year without a trial obtain their freedom immediately. In January 2000, the DNRS reported that 553 inmates had been released since the constitutional provision entered into force in 1999. In August 2000, a law went into effect that resulted in the release or in the reduction of sentences (by 1 to 2 years) of 2,947 prison inmates for humanitarian reasons by the end of 2001.

On September 3, prison guards and workers began a 6-week strike for higher wages and a danger bonus. Prisoners supported the guards' demands. The DNRS made some concessions to the Federation of Penitentiary Guides, but the bonus issue remained unresolved when the Government ordered the guards back to work (see Section 6.a).

At year's end, women constituted 9 percent of the total prison population. Women are held separately from men, and conditions are notably better in the women's prison in Quito than in other facilities. There also are separate facilities for juveniles. Children in these facilities often face abuse. For example, at the Imbabura Rehabilitation Unit for Minor Offenders, adolescents routinely are beaten, shocked with stun guns, and subsist on rations worth about 55 cents per day.

The Government permits prison visits by independent human rights monitors. The National Police Directorate Specializing in Children (DINAPEN) exists as a monitoring group for preventing abuse in prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Penal Code provide that no person may be deprived of liberty without a written order from a governmental authority; however, the authorities often violate these legal protections in practice, and arbitrary arrest and detention remain problems. The law requires the authorities to issue specific written arrest orders within 24 hours of detention—even in cases in which a suspect is caught committing a crime—and the authorities must charge the suspect with a specific criminal offense within 48 hours of arrest. All detained persons may challenge the legality of their detention by petition within 48 hours of their arrest, but in practice few such petitions are brought forward. The senior elected official (usually the mayor) of the locality in which the suspect is held reviews any such petitions. Regardless of the legality of a detention, a prisoner may be released only by court order. In some cases, detainees who are unaware of this, or who do not have the funds to hire a lawyer, may remain in prison for an extended period of time before being released. Bail generally is not available, and the law prohibits it in cases of narcotics and major offenses (i.e., offenses that "affect or put at risk" the public, punishable by 3 to 35 years imprisonment).

Human rights organizations continued to report occasional cases of incommunicado detention, although the law prohibits this practice (see Section 1.c.). Even when the police obtain a written arrest order, those charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges. Preventive detention up to and including trial is legal if a judge determines that it is necessary and if evidence that a crime has been committed is presented. The new Criminal Procedures Code limits immediate detention to 48 hours for suspicion of committing a crime and establishes preventive detention of 6 months for minor offenses and 12 months for major offenses once trial has begun.

There were mass arrests during the State of Emergency in early February. Most detainees were released on February 7.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is susceptible to outside pressure and corruption. Despite continuing efforts to depoliticize and modernize the court system, the judiciary continues to operate slowly and inconsistently. Judges reportedly rendered decisions more quickly or more slowly as a result of political pressure, or in some cases, the payment of bribes. A survey during the year by the Latin American Corporation for Development revealed that 54 percent of judges believed that other judges were corrupt. There are lengthy delays before most cases come to trial.

The judiciary is composed of the Supreme Court, superior circuit courts, other courts and tribunals that hear cases in accordance with the Constitution and other laws, and the Judicial Council, which is charged with administering the court system and disciplining judges. There also are military and police tribunals that have the same status as circuit courts, while criminal, provincial, and cantonal (county) courts serve as courts of first instance.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The law permits police or military courts to try police officers and military defendants in closed sessions, in accordance with the respective military and police court martial manuals. Only the Supreme Court may try cases involving flag-rank officers. The police court does not announce verdicts or punishments, reinforcing the strong impression that the police are immune from prosecution. The 1998 Constitution placed both police and military justice under the control of the Supreme Court. However, the three systems have not yet been integrated, although weak efforts are underway to do so.

The Supreme Court that took office in 1997 publicly recognized the shortcomings of the judicial system and pledged to improve the quality and training of judges. In 1998 the Supreme Court supervised the selection by open competition of all appellate judges. Between January and October, the Judicial Council that took office in 1998 delivered 556 sanctions, penalties, fines, or warnings to various judges. There are over 55,000 laws and regulations in force. Many of these are conflicting, and judges have been known to pick and choose from archaic legislation in an arbitrary or capricious manner. The resulting lack of clear rules contributes to what widely is referred to as "juridical uncertainty."

The failures of the justice system contributed to a growing number of cases in which communities took the law into their own hands. There continued to be reports of lynchings and burnings of suspected criminals by

citizens and quasi-official groups (see Section 1.a.). These occurred particularly in indigenous communities and poor neighborhoods of major cities, where there is little police presence.

The law provides for due process rights for criminal defendants, but the authorities, including the Chief Prosecutor's office, often did not observe these rights in practice. By law, the accused is presumed innocent until proven guilty and defendants have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. Although a public defender system exists, in practice there are almost no attorneys available to defend the large number of impoverished suspects.

Trial is supposed to begin within 15 to 60 days of the initial arrest; however, in practice initiation of the trial phase can take years. One half of all incarcerated persons have not been tried and sentenced. Accused narcotics traffickers and suspects in major crimes cannot obtain bail or be released on their own recognizance.

In 1999 Congress passed a new Criminal Procedures Code. Then-President Jamil Mahuad proposed changes in December 1999, which Congress accepted in January 2000. The new Code went into effect in July, and fundamentally changed the criminal justice system from an inquisitorial system to an accusatorial system. Under the new system, the Chief Prosecutor's office is to investigate and prosecute crimes, while the role of judges is to become neutral arbiters presiding over oral trials. Previously, judges and their staffs investigated crimes with the help of the police while the public prosecutors ("fiscales") monitored the judges' progress. Under the new system, prosecutors have wide discretion in deciding which cases can proceed. The judiciary now hears criminal cases in oral trials, compared with the previous slow, predominantly written inquisitorial system. The National Police continue to work as investigators, but now are under the direction of the prosecutors. There are no juries in the justice system. The new code is intended to strengthen the justice system by improving due process and enhancing the rights of the accused through measures such as habeas corpus and limits on preventive detention (see Section 1.d.). However, despite the abrupt change in roles, functioning, and procedures of the criminal justice system, the Government has not yet organized a central coordinating body to plan and direct training for the components of the criminal justice system, and adequate resources, both in supplies and training, were not available for the newly expanded role of the Prosecutor's office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. Wiretapping is illegal but it does occur.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the freedoms of speech and of the press, and the Government generally respected these provisions in practice; however, there were some significant exceptions. There are frequent charges of slander and libel brought by and against public figures, but few resulted in final decisions or judicial relief. Some self-censorship of the press continued.

There is a free and vigorous press. Ownership of the media is broadly based, and editorials represent a wide range of political views and often criticize the Government. However, some degree of self-censorship in the print media occurs, particularly with respect to politically sensitive issues or stories about the military and its related industries. In addition, most elements of the media are influenced by economic considerations and tend to reflect the narrow, regional interests of their owners.

All of the major media organs--newspapers, radio, and television--are locally and privately owned, except for one government-owned national radio station. The law limits foreign investment in broadcast media. Using a law promulgated by the last military regime that requires the media to give the Government free space or broadcast time, the Government can and does require television and radio to broadcast government-produced programs featuring the President and other top administration officials.

According to the Inter American Press Association, charges of "gross libel not involving falsely accusing a person of a crime" were brought against two journalists during the year: Malena Cardona was fined and Wilson Cabrera was sentenced to 3 months' imprisonment.

In July a previously unknown group called "Legion Blanca" began an e-mail campaign of intimidation and death threats against human rights organizations, journalists, and civil society leaders. The Government still was investigating at year's end.

The Constitution provides for academic freedom, and the Government does not restrict this right in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of free assembly for peaceful purposes, and the Government generally respected this right in practice; however, there were some limits, and security forces used force to quell some demonstrations, resulting in deaths and injuries (see Sections 1.a. and 1.c.). Public rallies require prior government permits, which generally are granted, although exceptions occur.

In late January and early February, there were significant protests around the country by indigenous groups (see Sections 1.a., 1.b., and 5). At the end of January, police used tear gas against a protest in Quito by an indigenous group. On January 30, authorities cut off water and telephone service to approximately 4,000 indigenous protesters camped out at the Salesian Polytechnical University in Quito. On February 2, President Noboa decreed a nationwide state of emergency that lasted 2 weeks and limited freedom of assembly. In February security forces in Tena, Tungurahua, and Quito shot and arrested protesters, some of whom were armed (see Section 1.a.). The police said that they had to shoot to protect themselves from the threatening actions of the protesters. Numerous other labor and student demonstrations took place without major incident in the capital and the outlying regions during the year. Protesters often blocked roads. In general, the security forces intervened in demonstrations only when there was violence against bystanders or destruction of property. Police in Quito used tear gas in January, February, March, and July to control demonstrators and strikers (see Sections 1.a. and 6.a).

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government does not require religious groups to be licensed or registered unless they form NGO's that engage in commercial activity. Approximately 90 percent of the population consider themselves to be Roman Catholic, although most citizens either do not regularly practice the religion or follow a syncretistic version that combines indigenous beliefs with orthodox Catholic doctrine. The Government allows missionary activity and religious demonstrations by all religions. The Government does not permit religious instruction in public schools; private schools are permitted to teach religion, as are parents in the home. There are no restrictions on publishing religious materials in any language.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice; however, frequent military and police roadblocks often present problems for travelers using public transportation, especially at night. Protesters often blocked roads (see Section 2.b.) The Government requires all citizens to obtain exit visas when traveling abroad, which are granted routinely. Military and minor applicants must comply with special requirements.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

The Foreign Ministry reported that at year's end there were 1,798 documented refugees in the country and 2,479 persons awaiting determination of their status. The authorities denied 680 applications. More than 90 percent of these refugees and applicants are Colombians; according to the UNHCR, the majority of displaced Colombians are impoverished peasants fleeing fighting, but some are adolescents escaping forced recruitment by illegal armed groups in Narino and Caqueta. Most displaced persons still come from Putumayo and transit Sucumbios, Quito, and Tulcan to return home. The Government and the UNHCR have developed a plan to cope with a potential refugee influx into Sucumbios province of up to 10,000 persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. However, on January 21, 2000, members of the military joined protesters, including indigenous dissidents, to force President Jamil Mahuad from office. After a brief period of confusion, during which the leaders of the coup announced the dissolution of the three branches of government and the formation of a "People's Parliament," on January 22, 2000, then-Vice President Gustavo Noboa assumed the presidency and restored order. Presidential and legislative elections are scheduled for the fall of 2002.

Deputies are elected to Congress for 4-year terms. The distribution of seats among the 123 members includes: Social Christian Party (23), Ecuadorian Roldosist Party (22), Popular Democrats (20), Democratic Left (16), National Independent Movement (11), Patchakutik (5), six smaller parties (11), and 15 independents.

Voting is mandatory for literate citizens over 18 years of age and voluntary for illiterate citizens. The law does not permit active duty members of the military to vote. The Constitution bars members of the clergy and active duty military personnel from election to Congress, the presidency, or the vice presidency. The Constitution provides that if a political party fails to garner a minimum of 5 percent of the votes in two open elections, the party must be eliminated from the electoral registry. Twelve parties are registered.

On occasion the judiciary has acted to limit President Noboa's power. For example, the Constitutional Tribunal struck down the President's attempt to raise the value-added tax.

No specific laws prevent women or minorities from attaining leadership positions; however, few women, indigenous people, or Afro-Ecuadorians occupy senior positions in government. The percentage of women and minorities in government or politics does not correspond to their percentage of the population, although they have made gains. Women hold 20 of 123 seats in Congress, the largest proportion of seats held by women in the country's history, and there are two female cabinet ministers (Environment and Tourism).

The indigenous movement, which previously shunned traditional politics, formed the electoral movement "Pachakutik" and ran candidates for national, provincial, and local office in the 1996, 1998, and 2000 elections. A Pachakutik Congresswoman, Nina Pacari, formerly the Second Vice President of Congress, is part of an eight-member congressional bloc whose cooperation with the majority in Congress on some issues gave it significant influence. The politically active Confederation of Ecuador's Indian Nationalities (CONAIE) was at the forefront of protests that overthrew then-President Mahuad in 2000. Indigenous members of the National Constituent Assembly and their supporters won important constitutional protections for indigenous rights in the 1998 Constitution. There are three indigenous deputies in the Congress and one indigenous cabinet minister.

One Afro-Ecuadorian serves as a member of Congress, but there are no Afro-Ecuadorians holding senior-level government jobs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate without restriction, investigating and publishing their findings on human rights cases. Domestic human rights groups, such as the CEDHU and the regional Latin American Human Rights Association (ALDHU), were outspoken in their criticism of the Government's record on specific cases. The Government has contracted with the ALDHU to provide human rights training to the military and the police.

The office of the Ombudsman ("Defensor del Pueblo") was created in 1998 to ensure ongoing attention to human rights problems; however, some observers have criticized its lack of independence in practice. In May 2000, Congress removed the Ombudsman from office on charges of fraud for acts that he committed while he was acting Attorney General. As of October, Congress had not named a replacement, and Claudio Mueckay was acting Ombudsman.

In 1998 the Government decreed an ambitious National Human Rights Plan with the goal of preventing, penalizing, and eradicating human rights violations in the country. The three branches of government, as well as the independent Ombudsmen's office and a number of NGO's, contributed to development of this plan, and the U.N. contributed funds to support it. The Government continues to implement various aspects of the plan, including training of the Congress on human rights matters, seminars, publication of documents, and a contingency plan for refugees.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, religion, sex, or social status. In addition, the 1998 constitutional reforms explicitly increased the rights of women, children, and minorities, and required Congress to pass legislation implementing these rights promptly. Congress has been only partially successful in carrying out this mandate. Women, indigenous people, and Afro-Ecuadorians continue to face significant discrimination.

Women

Although the law prohibits violence against women, including within marriage, abuses are widespread. The Law Against Violence Affecting Women and Children criminalized spousal abuse, including physical, sexual, and psychological abuse; created family courts; and reformed the Penal Code to give courts the power to remove an abusive spouse from the home. The law also gives legal support to the government's Women's Bureau in cases of sexual harassment in the workplace.

Between June 2000 and June 2001, the Women's Bureau reported 6,868 cases of sexual, psychological, or physical mistreatment of women. In 1999 a Guayaquil NGO reported that one out of three women suffered from some form of domestic violence. Women may file complaints against a rapist or an abusive spouse or companion only if they produce a witness. Some communities have established their own centers for counseling and legal support of abused women. The Government addresses such problems through its Women's Bureau; however, although the Bureau can accept complaints about abuse of women, it has no authority to act on the complaints but refers cases to the prosecutor's office. As of November, the Women's Bureau had a network of 37 outreach offices in 16 provinces.

Many rapes are not reported due to the victims' reluctance to confront the perpetrators. The Women's Bureau reported 810 cases of rape from January to June. The penalty for rape is a jail sentence of up to 25 years. In cases of statutory rape involving "amorous" sex with a minor, if the rapist marries the victim the charges against him, or anyone else who took part in the rape, cannot be pursued unless the marriage subsequently is annulled. In September Congress increased the penalties for serious offenses in an attempt to curb rising crime. For example, the penalty for rape where death occurred was increased from 16 to 35 years (see Section 1.c.).

Sexual harassment in the workplace is common. Typical cases of sexual harassment reported in the press involve instances where a supervisor solicits sexual favors from an employee.

Adult prostitution is legal.

Discrimination against women is pervasive in society, particularly with respect to educational and economic opportunities for those in the lower economic strata. The increasingly active women's movement alleges that culture and tradition inhibit achievement of full equality for women. There are fewer women than men employed in professional work and skilled trades, and pay discrimination against women is common.

The Ecuadorian Women's Permanent National Forum includes more than 320 women's organizations and promotes social, economic, and cultural change through various methods, including increasing political participation by women. In addition, the National Women's Council provides support for approximately 500 women's organizations, many of which promote social consciousness and greater participation by women in the political process. The Women's Political Coordinator, an NGO that operates in 22 provinces, promotes similar themes relating to women's rights, with emphases on political participation and human rights. It also focuses on young women and Afro-Ecuadorian women.

Children

According to the National Statistics Institute, in 2000 approximately 45 percent of the population was under the age of 18. The Government has not taken effective steps to provide for the welfare of children. The Constitution requires that children achieve "a basic level of education," estimated at 9 years of school; however, due to the lack of schools in many rural communities, the Government's failure to provide adequate resources, and the need for many children to work, the Government rarely enforces this requirement in practice. UNICEF reported in 1999 that one out of three children did not remain in school long enough to complete the 6th grade. Only 51 percent of teenagers attend school. Education is free. The Constitution provides that 30 percent of the public budget must be devoted to education; however, in practice only half of that amount is spent. The Government has programs in 18 urban areas that provide families with educational subsidies as an incentive to keep children in school. In rural areas, many children attend school only sporadically after 10 years of age in order to contribute to household income as farm laborers (see Section 6.d.).

There is no societal pattern of abuse against children.

There are reports of prostitution by girls and boys under 18 years of age in urban areas, and there have been reports of cases in which children were forced into prostitution.

There was one report of children trafficked to Uruguay for force labor (see Section 6.f.).

Child labor is a problem (see Section 6.d.).

Government resources to assist children traditionally have been limited. The Government operates a program to care for the children of the working poor called "Operation Child Rescue;" However, the Inter-American Commission on Human Rights in 1999 concluded that this program reached only a small percentage of those affected. Approximately 61 percent of children under the age of 5 years are malnourished. Government spending on education continued to decline, both in real terms and as a proportion of GDP.

There are more than 20 NGO's that promote child welfare. Several private organizations are very active in programs to assist street children, and UNICEF also runs a program in conjunction with the Central Bank. The children of the poor often experience severe hardships, especially in urban areas.

Persons with Disabilities

There is no official discrimination against persons with disabilities in employment, education, or the provision of other state services. However, there are no laws to ensure persons with disabilities access to public buildings or services, nor are they provided any other special government assistance. In June 2000, the city of Guayaquil began a modest program to give persons with disabilities better access to public buildings.

Indigenous People

While at least 85 percent of all citizens claim some indigenous heritage, those who maintain their indigenous cultural identity and live in indigenous communities comprise between 15 and 20 percent of the total population. The vast majority reside in rural areas, including the highlands and the Amazonian provinces, and most live in varying degrees of poverty. Land is scarce in the more heavily populated highland areas, where high infant mortality, malnutrition, and epidemic disease are common. Electricity and potable water often are unavailable. Although the rural education system is seriously deficient, many indigenous groups participated actively with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The Constitution recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indigenous people also have the same civil and political rights as other citizens. In the Amazon area, indigenous groups have lobbied the Government, enlisted the help of foreign and domestic NGO's, and mounted protests (including kidnapping oil workers and tourists), in their attempts to win a share of oil revenues and a voice in exploitation and development decisions. The Constitution expressly recognizes the indigenous communities' right to be consulted on, but not the right to approve, oil exploration and development. The communities tend to be consulted on such matters, although their wishes are not always met. Oil companies increased their efforts to minimize the environmental and social impact of their oil projects in the Amazon but continued to face criticism from indigenous groups that environmental damage continues.

Despite their growing political influence and the efforts of grassroots community groups, which were increasingly successful in pressuring the central Government to assist them, indigenous people continue to suffer discrimination at many levels of society. With few exceptions, indigenous people are at the lowest end of the socioeconomic scale. For example, according to one UNICEF estimate in 1999, 83 percent of indigenous children worked at some kind of job (see Section 6.d.).

In late January and early February, there were significant indigenous protests across the country. Indigenous groups demanded a freeze in the price of fuel, increased social spending, and subsidies for cooking gas and transportation. Protesters blocked roads throughout the country, and there were several violent confrontations. Police used tear gas and other methods to quell protesters (see Section 2.b.). Between January 29 and February 7, as many as nine persons died in clashes between indigenous-led protesters and security forces (see Sections 1.a. and 2.b.). Demonstrations across the country subsided on February 7 when the Government and indigenous groups entered into formal discussions. The three main indigenous groups--CONAIE, the Federation of Indigenous and Black Peasants of Ecuador (FENOCIN), and the Federation of Evangelical Indigenous of Ecuador (FEINE)--tabled 23 topics for discussion, including the claims by

indigenous groups for indemnities over lives lost during the protests. Progress in the talks has been slow, but indigenous protests since February have been minimal.

CONAIE was at the forefront of protests that toppled then-President Mahuad (see Section 3). CONAIE also attempted to arrange a popular referendum and engaged in public demonstrations to protest government economic austerity measures and to urge the repeal of economic modernization laws involving privatization of state-owned enterprises.

Religious Minorities

Although relations between religious communities generally have been amicable, in past years there have been a few incidents of interreligious or intrareligious tension or violence.

National/Racial/Ethnic Minorities

The population of the rural, northern coastal area includes large numbers of Afro-Ecuadorian citizens. They suffer widespread poverty and pervasive discrimination, particularly with regard to educational and economic opportunity. There are no special government efforts to address these problems.

There are five major Afro-Ecuadorian organizations active in the country; the largest is the National Afro-Ecuadorian Confederation, with headquarters in Quito. It estimates that Afro-Ecuadorians account for more than 1 million persons, or about 9 percent of the total population. While the presence of Afro-Ecuadorians has grown in the fields of sports and culture, their educational opportunities continue to be limited.

The press has focused on lingering racism among all strata of society. Afro-Ecuadorian organizations note that despite the absence of official discrimination, societal discrimination continues to affect them, including stereotyping. For example, they assert that the police stop Afro-Ecuadorians for document checks with greater frequency than other citizens.

Section 6 Worker Rights

a. The Right of Association

The Constitution and Labor Code provide most workers with the right to form trade unions. Members of the police, the military, and public sector employees in nonrevenue producing entities are not free to form trade unions. The 1991 Labor Code reforms sets the number of workers required for an establishment to be unionized at 30, which the International Labor Organization's Committee on Freedom of Association considers too stringent a limitation at the plant workers' council level. Although the Congress debated additional labor reforms, labor law was in flux during the year because the Constitutional Court ruled in July that some recent labor legislation was unconstitutional (see Section 6.e.). The court's ruling nullified several articles that the Government stated provided flexibility to employers, but that some observers claimed undercut constitutional protections of worker rights.

While employees of state-owned organizations enjoy rights similar to those in the private sector, the law technically prevents the majority of public sector employees from joining unions or exercising collective bargaining rights. However, most public employees maintain membership in some labor organization.

The labor market is highly segmented, with a minority of workers in skilled, usually unionized, positions in state-run enterprises or in medium-to-large industries. Approximately 12 percent of the work force is organized. Most of the economically active population is employed in the agricultural sector or the urban informal sector; the vast majority of these workers are not organized.

Although the labor confederations are politically independent, the two largest single labor unions, the National Union of Educators (UNE) and the Union of Social Security Workers, are allied with the Democratic Political Movement, a communist party. There are four large labor confederations, called centrals. None of the main labor centrals is connected firmly to any one political party, and there are no ties between the Government and any labor union.

There are few restrictions on the right of workers to strike, although a 10-day cooling-off period is required before a strike can be declared. The Labor Code revisions limit solidarity strikes or boycotts to 3 days, provided that the Labor Ministry approves them. In a legal strike, workers may take possession of the factory or workplace, thus ending production at the site, and receive police protection during the takeover. The

employer must pay all salaries and benefits during a legal strike; the Labor Code protects strikers and their leaders from retaliation. The law does not provide public workers with the right to strike; however, there were frequent "illegal" strikes. The Government occasionally takes action against striking public workers. For instance, during the year, the Government did order striking public health, civil registry, and prison workers and guards back to work.

There were several significant strikes during the year, mainly in response to government austerity measures. They involved public sector employees such as medical, prison, and registry workers. Indigenous groups also protested during the strikes. In January Quito bus drivers struck briefly. Police in Quito used tear gas in January, February, and July to repel demonstrators who sought access to the city center (see Section 2.b.). On July 2, public health workers, including doctors, nurses, and paramedics went on strike to demand higher wages and better working conditions. On July 26, police blocked a protest strike by health workers using tear gas. Four persons were injured, and 36 babies at a nearby hospital were affected by the tear gas, 2 of whom allegedly died as a result (see Sections 1.a., 1.c., and 2.b.). In August the Ecuadorian Bishops Conference brokered a deal with the doctors' union and the Government. The Government ordered the nurses and other health care workers back to work and promised to raise salaries in 2002.

Unions may form freely and join federations or confederations, and three of the large labor centrals maintain international affiliations.

b. The Right to Organize and Bargain Collectively

The Labor Code requires that all private employers with 30 or more workers belonging to a union must negotiate collectively when the union so requests. Collective bargaining agreements cover only one-quarter of the approximately 12 percent of the work force that is organized. In March 2000, a labor law allowed businesses to hire workers on "individual contracts," but the practice did not become prevalent because Congress began a review of the law and has not clarified its status.

The Labor Code streamlined the bargaining process in state enterprises by requiring workers to be represented by only one labor union. It prohibits discrimination against unions and requires that employers provide space for union activities upon the union's request. The law does not permit employers to dismiss a worker without the express permission of the Ministry of Labor, whose rulings are not subject to judicial review. If the Ministry of Labor rules that a dismissal is unjustified, it can require the employer to pay large indemnities or separation payments to the worker, although the reforms set a cap on such payments. A fired worker is eligible for reinstatement and in general would not be blacklisted at other companies. Workers generally are protected against antiunion discrimination only by pressure from the union. The Labor Code provides for resolution of labor conflicts through an arbitration and conciliation board which consists of one representative of the Ministry of Labor, two from the union, and two from management.

The 1990 Maquila Law permits the hiring of temporary workers for the maquila (in-bond processing for export) industries only. While there is no express prohibition on association rights in the Maquila Law, in practice it is difficult to organize temporary employees on short-term contracts. Since temporary workers are not recognized by the Labor Code, they do not enjoy the same level of protection offered to other workers. The maquila system allows a company and its property to become an export-processing zone wherever it is located. Many such "zones" have been established; most are relatively small and are dedicated to textiles and fish processing.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code prohibit compulsory labor, and there were no reports of it in general. There have been reports of children forced into prostitution (see Section 5), and there was one report that children were trafficked to Uruguay for forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits boys younger than age 12 and girls younger than age 14 from working, except in special circumstances such as apprenticeships, domestic service, or in cases of "need," which requires permission from the Ministry of Labor. It requires children between the ages of 12 (boys) or 14 (girls) and 18 years of age to have the permission of their parent or guardian to work. The law also prohibits children between the ages of 14 and 18 years from working more than 7 hours per day or 35 hours per week, and it restricts children below the age of 14 to a maximum of 6 hours per day and 30 hours per week. The law prohibits children between the ages 14 and 18 from working at night, working on the high seas, and performing hazardous work. In practice the Ministry of Labor and the Minors' Tribunals fail to enforce child labor laws, and child labor is prevalent. Despite the economic recovery over the past 2 years, the problem has not improved substantially, in part due

to the emigration abroad of many parents who have left their children behind. Urban child labor has increased with the migration of the rural poor to the cities. A 2000 UNICEF report estimated that almost half of the children between the ages of 10 and 17 worked. A 1999 report based on a joint national and World Bank study found that 45 percent of children between the ages of 10 and 17 worked at least part-time. Among children aged 10 to 11, who cannot work legally, 28 percent worked at least part-time nationwide. In rural areas, young children often must leave school at an early age to help out on the family's plot of land. More than 60 percent of all children live in rural areas and do unpaid agricultural work for their families. The Ministry of Labor does not have adequate resources to investigate exploitative child labor practices.

The Ministry of Labor has designated a "Social Service Directorate" to monitor and control child labor in formal sector businesses such as factories. In some instances the Directorate has applied sanctions, but in others, it merely has helped to provide documents to child workers. In urban areas, many children under 12 years of age work in family-owned "businesses" in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Others are employed in commerce, messenger services, domestic service, and begging. Children as young as 5 or 6 years often sell newspapers or candy on the street to support themselves or to augment family income.

ILO Convention 182 on the worst forms of child labor, which the Government ratified in July 2000, entered into effect on September 19.

Child prostitution is a problem, and there have been cases reported of children being forced into prostitution (see Section 5). There was one report that children were trafficked to Uruguay for forced labor (see Section 6.f.). The law prohibits forced or bonded labor by children, and there were no other reports of such practices (see Section 6.c.).

e. Acceptable Conditions of Work

The Ministry of Labor periodically sets the minimum wage in consultation with the Commission on Salaries, but Congress also may adjust it. As of September, the minimum wage plus mandated bonuses provided a gross monthly compensation of approximately \$118, or 75 cents per hour in the case of contract workers. The statutory minimum wage is not adequate to provide a decent standard of living for a worker and family. Most organized workers in state industries and formal sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, the majority of workers work in the large informal and rural sector without recourse to the minimum wage or to legally mandated benefits.

The Ministry of Labor has the principal role in enforcing labor laws and carries this out through a corps of labor inspectors who are active in all 22 provinces. The Labor Code provides for a 40-hour workweek, a 15-day annual vacation, a minimum wage, and other employer-provided benefits, such as uniforms and training opportunities. In March 2000, reforms to the labor law gave nominally greater flexibility to employers for hiring part-time workers; however, this legislation was affected by a Constitutional Court decision related to worker's retirement benefits. The impact of the Court's decision remained to be clarified at year's end (see Section 6.a.).

The Labor Code also provides general protection for workers' health and safety on the job. However, a worker may not leave the workplace of his own volition, even if there is a hazardous situation. The worker is allowed to request that an inspector from the Ministry of Labor come to the workplace and confirm the hazard; that inspector then may close down the workplace. Response time for inspectors ranges from a few days in major cities to much longer in the countryside.

The Government enforces health and safety standards and regulations through the Social Security Institute. In the formal sector, occupational health and safety is not a significant problem. However, there are no specific regulations governing health and safety standards in the agricultural sector and in practice there is no enforcement of safety rules in the small mines that make up the vast majority of the mining sector. During the year, at least three fatalities were reported due to accidents in the mines.

f. Trafficking in Persons

A misdemeanor law specifically addresses trafficking in persons, and other laws could be used to prosecute traffickers; however, there were reports of trafficking.

In May the authorities in Uruguay discovered a small child-labor ring. Traffickers had promised seven Ecuadorian youths and one young adult, as well as a Colombian, a better life; however, once in Uruguay the traffickers forced them to carry heavy packages under difficult conditions for 80 hours a week. In addition to

being provided with an inadequate diet, the youths were denied proper medical care and one girl had to have her finger amputated. The Uruguayan police charged the ringleaders with violating the child protection and labor laws, and the children were placed in temporary shelters. There also were reports that children have been trafficked to Venezuela and Spain for forced labor, and that Ecuadorians are trafficked to Guatemala and the United Kingdom.

There also were many reports of persons, including non-Ecuadorians, being smuggled illegally from the country to the United States through Central America in which trafficking sometimes was suspected. In the early part of the year, trafficking was suspected in a case involving Ecuadorian children begging on the street in Uruguay who were being exploited by a ring of adult criminals.

A misdemeanor law specifically prohibits trafficking and provides for penalties from 6 months to 3 years in prison, as well as fines. The Migration Law and the Penal Code provide for the imposition of sanctions on suppliers of false documents for purposes of travel or work. Other laws dealing with kidnaping, labor, occupational safety, and slavery apply to and provide sanctions for trafficking in persons. In June 2000, Congress amended the Criminal Code to strengthen sentences for furnishing or utilizing false documents and for alien smuggling. Alien smugglers or traffickers can receive sentences from 3 to 6 years' imprisonment; the penalties range from 6 to 9 years if victims are injured, and a penalty of up to 12 years may be imposed if a death occurs. The law specifically exempts smuggling victims from prosecution. During the year no penalties were applied.